

## **EXHIBIT A**



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August 8, 2017

**VIA ELECTRONIC MAIL AND FEDERAL EXPRESS**

Helen Davis Chaitman  
Chaitman LLP  
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340 Madison Avenue  
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*Re: In re: Bernard L. Madoff Investment Securities LLC, Adv. Pro. 08-1978 (SMB)*

Dear Ms. Chaitman and Mr. Kratenstein:

We write to inform you, pursuant to The Litigation Protective Order dated June 6, 2011 [ECF No. 4137] (the “LPO”) and Federal Rule of Evidence 502(b), that we recently discovered that certain materials subject to the work product protection were inadvertently produced to you. Pursuant to Section 14 of the LPO, “the inadvertent production or disclosure of any document or material (the “Inadvertent Production”) otherwise protected by the attorney-client privilege, work product protection ... shall not constitute or be deemed as a waiver or forfeiture of any such privilege or immunity.” LPO, Section 14, *see also* FRE 502(b). This letter constitutes the Trustee’s written request for return and destruction of the Inadvertent Production.

By this letter, we request that you, consistent with the terms of the LPO, within five (5) days of this request, destroy all copies of the Inadvertent Production and shall not utilize the information contained in the Inadvertent Production for any purpose. Further, if you have shared the Inadvertent Production with any other party, person or entity, you are to inform any such party of the Inadvertent Production and direct them to destroy all copies and refrain from utilizing the information contained therein. LPO, Section 14. The Trustee interprets this provision to cover any support staff, paralegals, agents, assistants, associates, experts, clients, or

any other individual or entity, including any other counsel, with whom the Inadvertent Production has been shared.

The Inadvertent Production consists of the following two documents:

- 1) Excel version of the Microfilm Reel Inventory, sent to Chaitman LLP via email on July 14, 2017, and
- 2) Excel version of the Madoff Warehouse Inventory, sent to Judge Maas's office and Chaitman LLP via email on December 16, 2016 and to McDermott Will & Emery via email on July 25, 2017.

We have prepared replacement versions of the Inadvertent Production, less the information protected by the work product protection, which will be sent to you via email.

Sincerely,

*/s/ David J. Sheehan*

David J. Sheehan

cc: Honorable Frank Maas (fmaas@jamsadr.com)